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SENATE BILL NO. 1366

Offered January 13, 2021

Prefiled January 13, 2021

A BILL to amend and reenact §§ 51.5-134 and 51.5-135 of the Code of Virginia, relating to aging services; social need.

Patrons—Barker and Mason; Delegate: Carr

Referred to Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:

1. That §§ 51.5-134 and 51.5-135 of the Code of Virginia are amended and reenacted as follows:

§ 51.5-134. Definitions.

As used in this article, unless the context requires a different meaning:

"Access services" means care coordination; care transitions; communication, referral, information, and assistance; options counseling; transportation; and assisted transportation.

"Aging services" means access services, Care Coordination for Elderly Virginians, caregiver services, client services, disease prevention and health promotion services, in-home services, legal assistance, nutrition services, and elder abuse prevention services that are supported with federal and state funds.

"Caregiver services" means counseling services, including individual counseling, support groups, and caregiver training; respite services, including institutional respite and direct respite services; and supplemental services.

"Client services" means emergency services, employment services pursuant to Title III of the Older Americans Act, 42 U.S.C. § 3001 et seq., as amended, health education and screening, long-term care coordinating activities, medication management, money management, public information and education, socialization and recreation, and volunteer programs.

"In-home services" means adult day care, checking, chore, homemaker, personal care, and residential repair and renovation services.

"Long-term care" means any service, care, or item, including a disease prevention and health promotion service, an in-home service, and a case management service that is (i) intended to assist individuals in coping with, and to the extent practicable in compensating for, a functional impairment in carrying out activities of daily living; (ii) furnished at home, in a community care setting, or in a long-term care facility; and (iii) not furnished to prevent, diagnose, treat, or cure a medical disease or condition.

"Long-term care ombudsman program" means the program established in Article 13 (§ 51.5-182 et seq.).

"Nutrition services" means congregate and home-delivered nutrition services.

"Social need" means the need caused by noneconomic factors, including physical and developmental disabilities; language barriers; cultural, social, or geographic isolation, including that caused by racial or ethnic status; gender identity or gender expression; sexual orientation; or status as a person infected with human immunodeficiency virus that restricts an individual's ability to perform normal daily tasks or threatens such individual's capacity to live independently.

§ 51.5-135. Powers and duties of Department with respect to aging persons; area agencies on aging.

A. The Department shall provide aging services to improve the quality of life for older persons in the Commonwealth and shall act as a focal point among state agencies for research, policy analysis, long-range planning, and education on aging issues. *In providing aging services, the Department shall prioritize providing services to older persons with significant social need.* The Department shall also serve as the lead agency in coordinating the work of state agencies on meeting the needs of an aging society. The Department's policies and programs shall be designed to enable older persons to be as independent and self-sufficient as possible. The Department shall promote local participation in programs for older persons, evaluate and monitor aging services, and provide information to the general public. In furtherance of this mission, the Department shall have, without limitation, the following duties to:

1. Study the economic, *social,* and physical condition of the residents in the Commonwealth whose age qualifies them for coverage under the Older Americans Act, 42 U.S.C. § 3001 et seq., or any law amendatory or supplemental thereto, and the employment, medical, educational, recreational, and housing facilities available to them, with the view of determining the needs and problems of such persons;

2. Determine the services and facilities, private and governmental and state and local, provided for and available to older persons and recommend to the appropriate persons such coordination of and

changes in such services and facilities as will make them of greater benefit to older persons and more responsive to their needs;

3. Act as the designated state unit on aging for the purposes of carrying out the requirements under P.L. 89-73 or any law amendatory or supplemental thereto, and as the sole agency for administering or supervising the administration of such plans as may be adopted in accordance with the provisions of such laws. The Department may prepare, submit, and carry out state plans and shall be the agency primarily responsible for coordinating state programs and activities related to the purposes of, or undertaken under, such plans or laws;

4. Apply, with the approval of the Governor, for and expend such grants, gifts, or bequests from any source that becomes available in connection with its duties under this section, and may comply with such conditions and requirements as may be imposed in connection therewith;

5. Hold hearings and conduct investigations necessary to pass upon applications for approval of a project under the plans and laws set out in subdivision 3, and shall make reports to the U.S. Secretary of Health and Human Services as may be required;

6. Designate area agencies on aging pursuant to P.L. 89-73 or any law amendatory or supplemental thereto of the Congress of the United States and to adopt regulations for the composition and operation of such area agencies on aging, each of which shall be designated as the lead agency in each respective area for the No Wrong Door system of aging and disability resource centers;

7. Provide staff support to the Commonwealth Council on Aging;

8. Assist state, local, and nonprofit agencies, including, but not limited to, area agencies on aging, in identifying grant and public-private partnership opportunities for improving services to older Virginians;

9. Provide or contract for the administration of the state long-term care ombudsman program. Such program or contract shall provide a minimum staffing ratio of one ombudsman to every 2,000 long-term care beds, subject to sufficient appropriations by the General Assembly. The Department may also contract with such entities for the administration of elder rights programs as authorized under P.L. 89-73, such as insurance counseling and assistance, and the creation of an elder information/elder rights center;

10. Serve as the focal point for the rights of older persons and their families by establishing, maintaining, and publicizing (i) a toll-free number and (ii) a means of electronic access to provide resource and referral information and other assistance and advice as may be requested; and

11. Develop and maintain a four-year plan for aging services in the Commonwealth, pursuant to § 51.5-136.

B. The governing body of any county, city, or town may appropriate funds for support of area agencies on aging designated pursuant to subdivision A 6.

C. All agencies of the Commonwealth shall assist the Department in effectuating its functions in accordance with its designation as the single state agency as required in subdivision A 3.